

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARBARA STEWART,

Plaintiff,

- against -

MICHELE STEWART,

Defendant.

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MICHELE STEWART,

Counterclaim Plaintiff,

- against -

BARBARA STEWART,

Counterclaim Defendant.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

The Court has considered the latest round of letters addressing the sufficiency of William P. Stewart III ("Tres")'s response to defendant's document subpoena. The defendant now seeks leave to file a new motion to compel based upon its receipt of certain documents from the plaintiff. See ECF Nos. 88-90. As defendant acknowledges, she previously moved to hold Tres in contempt, ECF No. 66, which motion was denied by the Court with the condition that Tres utilize certain search terms and confirm whether he located responsive documents to those terms, ECF No.

76. Tres submitted an affidavit attesting to his compliance with the Court's conditions. See ECF No. 82.

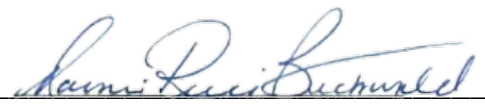
None of the documents upon which defendant predicates this request to move to compel support defendant's suggestion that Tres failed to comply with the Court's conditions or that he has retained his side of the 2012-2015 exchanges. Defendant's regret that she didn't seek in the context of the contempt motion to expand the Court's search terms is not a basis to require a third party to do a third search.

This is particularly the case where there is another source of documentation which is likely to be more fruitful, namely, defendant's subpoena served on plaintiff's ex-husband a year ago. There is a certain irony in the defendant's numerous efforts to obtain documents from her ex-husband despite no apparent urgency to obtain a response to a year-old subpoena to her former father-in-law who was directly involved in the formation of the key entity at the center of this litigation.

This memorandum resolves the application in ECF No. 88.

**SO ORDERED.**

Dated: New York, New York  
November 13, 2020

  
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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE